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[Counsel for additional defendants identified
on the signature pages]

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAMES PARSONS, individually and as
Special Administrator of the Estate of Carolyn
Lee Parsons, and ANN-MARIE PARSONS,

Plaintiffs,

vs.

COLT'S MANUFACTURING COMPANY
LLC, *et. al.*,

Defendants.

CASE NO.: 2-19-cv-01189-APG-EJY

**DEFENDANTS' JOINT RESPONSE
TO THE COURT'S ORDER TO SHOW
CAUSE WHY THIS ACTION SHOULD
NOT BE REMANDED UPON
RECONSIDERATION
[ECF NOS. 130, 132]**

Defendants Colt's Manufacturing Company LLC; Colt Defense LLC; Daniel Defense, LLC; Patriot Ordnance Factory, Inc.; FN America, LLC; Noveske Rifle Works LLC; Christensen Arms; Lewis Machine & Tool Company; LWRC International LLC; Discount Guns & Ammo; DF&A Holdings LLC; Maverick Investments LP; Guns & Guitars, Inc.; and Sportsman's Warehouse, Inc. (collectively, "Defendants"), through their respective counsel, file this joint written response to this Court's Order to Show Cause (ECF Nos. 130, 132) and ask that the Court dismiss this action with prejudice pursuant to the December 2, 2021 decision of the en banc Supreme Court of Nevada.

MEMORANDUM OF POINTS AND AUTHORITIES

This Court previously certified three questions to the Nevada Supreme Court that were potentially dispositive of this action. ECF No. 109. This Court subsequently issued an Order to Show Cause why, upon reconsideration, this case should not be remanded to state court. ECF No. 130. However, pursuant to the Parties' stipulation, this Court stayed the Order to Show Cause pending the Supreme Court's review of the certified questions. ECF No. 132 at 7. This Court further directed Defendants to file a written response addressing the Order to Show Cause within 14 days of the Supreme Court's written decision. *Id.* On December 2, 2021, the Nevada Supreme Court, sitting en banc, issued a unanimous published opinion in favor of Defendants. **Exhibit 1** (Certified Opinion in *Parsons v. Colt's Mfg. Co. LLC*, ---P.3d ---, 137 Nev. Adv. Op. 72, 2021 WL 5751828 (Dec. 2, 2021)).

Specifically, the Supreme Court held that NRS 41.131 precludes Plaintiffs' theory of liability in this action:

The federal court has determined that the complaint plausibly alleges that the AR-15s violated state and federal machinegun prohibitions. It now asks this court to decide whether the allegation of illegality allows the parents' wrongful death and negligence per se claims to proceed, despite the immunity NRS 41.131(1) declares. We hold that it does not and that, as written, ***NRS 41.131 provides the gun manufacturers and distributors immunity from the claims asserted against them under Nevada law in this case.***

Ex. 1 at 3 (emphasis added). The Supreme Court thus ultimately determined that, "NRS 41.131 declares a legislative policy that the Parsons cannot proceed with these claims under Nevada law." *Id.* at 20.

As a result of this unequivocal holding, Plaintiffs have no claims that they can pursue against Defendants in either federal or state court. Accordingly, Defendants request that this Court dismiss this action in its entirety with prejudice upon the Supreme Court's forthcoming issuance of remittitur. *See* NRAP 41.

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CONCLUSION

For the foregoing reasons, this Court should not remand this case and should instead dismiss this action in its entirety with prejudice.

DATED: December 16, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2021, I electronically transmitted the foregoing **DEFENDANTS' JOINT RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE WHY THIS ACTON SHOULD NOT BE REMANDED UPON RECONSIDERATION** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/ Lyndsey Luxford
An employee of SNELL & WILMER L.L.P.

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INDEX OF EXHIBITS

Exhibit No.	Description	Pages
1	Certified Opinion in <i>Parsons v. Colts Mfg. Co. LLC</i> , ---P.3d ---, 137 Nev. Adv. Op. 72, 2021 WL 5751828 (Dec. 2, 2021)	21

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